

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DIANA MANCUSO, CASE NO. 1:05-cv-00462 TAG

Plaintiff,

CASE NO. 1:05-cv-00462 TAG

**ORDER TO SHOW CAUSE WHY
ACTION SHOULD NOT BE DISMISSED,
WITHOUT PREJUDICE, FOR FAILURE
TO PROSECUTE**

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

Plaintiff Diana Mancuso (“claimant” or “plaintiff”), represented by counsel, seeks judicial review of an administrative decision denying her claim for disability benefits under the Social Security Act (“Act”). Claimant filed her complaint on April 10, 2005. (Doc. 1). A Scheduling Order issued on April 11, 2005. (Doc. 5). The Administrative Record was lodged with the Court on August 30, 2005. (Doc. 10).

Pursuant to the Scheduling Order, claimant was required to serve a letter brief upon the Commissioner within 35 days after the lodging of the Administrative Record, the Commissioner was required to serve her response to claimant's letter brief within 30 days thereafter, and the claimant was required to file her opening brief with the Court within 30 days after the Commissioner's response to claimant's letter brief. (Doc. 5). Claimant's opening brief should therefore have been filed no later than December 3, 2005. To date, however, claimant has not complied with the Scheduling Order in this respect.

Therefore, claimant shall be ordered to show cause why this action should not be dismissed for failure to prosecute.

1 Accordingly, the Court HEREBY ORDERS that, within thirty (30) days of the date of service
2 of this Order, claimant shall show cause, in writing, why this action should not be dismissed, without
3 prejudice, for failure to prosecute.

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5 IT IS SO ORDERED.

6 Dated: February 24, 2006
j6eb3d

/s/ Theresa A. Goldner
UNITED STATES MAGISTRATE JUDGE

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